**HIGH COURT OF UTTARANCHAL AT NAINITAL**
**ORIGINAL JURISDICTION**
Dated: Nainital the 10th May, 2006
**Bail Application No. 390 of 2006**

Order on the bail application of the accused

**CRIMINAL SIDE**

Swami Rama Nand
Disciple of Late Mahant Amrita Nand
Mahant Gaddinashin Sh. Garib Dasi Chidanand
Ashram Pili Kothi Bhopatwala, Haridwar
District – Haridwar
Also At
Village Gopalpur
Police Station Kharkhonda
Distt. Sonipat Haryana ….. Applicant

**Versus**

State of Uttaranchal ….. Opposite Party

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In Case Crime No. 262 of 2004
U/S 302 I.P.C.
Police Station Kotwali Haridwar
District - Haridwar

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**Hon'ble J.C.S. Rawat, J.**

Heard Sri S. K. Agarwal-Sr. Advocate for the applicant, learned AGA for the State and perused the record.

The F.I.R. was lodged on 16.05.2004 against the unknown person after the lapse of three days of the incident. Thereafter statement of the Jai Prakash was recorded u/s 161 on 06.01.2005. He had not implicated the present accused-applicant in the murder of Swami Shanta Nand. Later on the second statement was recorded after a lapse of nine months, i.e., on 22.09.2005 and the name of the accused-applicant was implicated in the said murder. It is also revealed that the chargesheet was initially filed against three accused persons and later on the present accused-applicant has been arrayed as an accused in the subsequent chargesheet. Jai Prakash was the witness of the panchnama and in the cause of death he has not stated anything about the murder of his brother. It was further contended that there is no other evidence except the statement of Jai Prakash. It was further contended that the second statement u/s 161 Cr.P.C. was recorded after a lapse of nine months which cannot be believed.

Considering the facts and circumstances of the case in totality, it is a fit case for bail at this stage.

Let the accused-applicant, Swami Rama Nand be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

**(J. C. S. Rawat, J.)**

**Dated 10.05.2006**
Shiv